

EXHIBIT A

Best Practices Memos > Use of the Term "Objective Medical Evidence" in our Denial Letters

Author: Barbara C Jenkinson at EBDPO1

Date: 5/22/98 12:49 PM

Priority: Normal

TO: Michael C Flood at EBDPO8

TO: Todd M Gish at EBDPO4

TO: Patrick J O'Rourke at EBDPO6

TO: Patricia M Pfeifer at EBDPO10

TO: Brian D Terry at EBDPO7

TO: Debbie T Vincent at EBDPO4

TO: Shelly J Santema at EBDPO6

TO: Paul X McTague at EBDPO10

TO: Genie M Guthrie at EBDPO7

TO: Lynda J Cunningham at EBDPO8

CC: Pamela M Mormino at EBDPO5

CC: Gloria D Manente at EBDPO5

CC: Trish P Robinson

CC: Bruce E Luddy at EBDPO2

CC: Larry M Davis

CC: Cynthia S Romanovich at EBDPO2

CC: Kathy J Clark at EBDPO35

CC: Cindy M Baccaro at EBDPO35

CC: Debra A Hampson at LIFE_LAW

CC: Kay X McCormick at EBDPO35

Subject: Memo to field

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PLEASE NOTE AND SHARE WITH YOUR STAFF ASAP! THANKS!!!

As a result of the discussions at a recent litigation trends meeting between the Law Department and Liz Zlatkus' staff, we are instituting a procedure regarding the use of the term "objective medical evidence" in our denial letters. Therefore, please ensure that you make all staff aware that they must follow the following procedures.

Our current LTD policies do not define objective medical evidence. Furthermore, subjective complaints frequently contribute to an individual's functional status and we must also take these complaints into consideration when evaluating a claim for disability benefits. Therefore, we must never indicate in a denial letter that we based our denial decision on the absence of objective medical evidence substantiating disability. In other words, a denial letter must never contain a statement that we are denying a claim for benefits because "the objective medical evidence contained in the file does not substantiate that you are totally disabled."

The analysis portion of a denial letter should clearly indicate what specific evidence does not support an individual's claim that he/she is totally disabled, as defined by the applicable policy. Therefore, the conclusory statement in the introductory paragraph of a denial letter must focus on the evidence submitted in support of a claim for benefits. Consequently, the conclusory statement in the introductory paragraph of our denial letters

must read as follows: "We have completed our review of your claim for benefits and have determined that the evidence submitted in support of your claim does not establish that CONCLUSORY STATEMENT REGARDING WHY WE ARE DENYING THE CLAIM, at any time on or after DATE DISABILITY ALLEGEDLY COMMENCED. Accordingly, (STD or LTD) benefits are not payable to you under the terms of the Policy."

An example of an acceptable statement is:

"We have completed our review of your claim for benefits and have determined that the evidence submitted in support of your claim does not establish that you are unable to perform the material and substantial duties of your occupation at any time on or after January 1, 1998. Accordingly, LTD benefits are not payable to you under the terms of the Policy."

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